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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
DESIR, PIERRE LOUIS	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/023,118	MEINDL ET AL.	
	Examiner	Art Unit	
	Pierre-Louis Desir	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/172001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 5, 9-10, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (cited by applicant) in view of Page et al., U.S. Patent No. 6801787.

Regarding claims 1 and 10, Benson discloses a processing device (see figs. 1-4) for the processing of an information signal, the device having a housing (see col. 8, line 8 and col. 9, line 14) and having first communication means for receiving and/or transmitting the information signal (i.e., antenna) (see figs. 1, 3-7, and 8), and having processing means for the processing of the information signal received and/or to be transmitted (i.e. processing first audio information and apply loud speaker signal to a loudspeaker of the mobile).

Although Benson discloses a processing device as described above, Benson fails to specifically disclose a processing device having second communication means for the contactless retrieval of control information stored in a data carrier which is detachably connection to the housing of the processing device, in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information.

However, Page discloses a portable smart card communication device with a communication means for the contactless retrieval of control information stored in a data carrier (i.e., a transceiver, located in a housing of the transceiver assembly, is connected to the control module through an electrical connector mounted in the housing. The controller module establishes a communication link through the transceiver with a smart card by sending and receiving signals through the connector and controlling operation of the transceiver (i.e., second communication means). The controller module can be easily removed from the cradle portion of the transceiver assembly) (see col. 3, lines 57-65). Page also discloses that the smart card is a non-contact or contactless smart card (as related to claim 10, it is well known in the art, Contactless-type smart cards is governed by the ISO 14443 standard) (see fig. 2, col. 5, lines 57-60).

Benson and Page are analogous art because they are from the same field of invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Benson (together with his disclosure of the SIM card disposed in a holder attached to an outer surface of the housing, as confirmed by applicant in his response) with the teachings of Page (as related to non-contact/contactless retrieval of information) to arrive at the claimed invention. A motivation to do so would have been to provide to the device the ability to transmit and receive information from and to a reader and/or writer device without requiring wired contact of the card with the reader/ and/or writer device.

Regarding claim 2, Benson further discloses, in figure 8, that a processing device, in which the detachable connection of the data carrier to the housing of the processing

device is formed by an adhesive joint (i.e. detachably adhere to the back of the housing) (see col. 7, lines 31-40).

Although Benson discloses a device as described above, taking into consideration the dependency of this claim on the preceding claim (i.e., claim 1), Benson fails to specifically disclose a processing device having second communication means for the contactless retrieval of control information stored in a data carrier which is detachably connection to the housing of the processing device, in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information.

However, Page discloses a portable smart card communication device with a communication means for the contactless retrieval of control information stored in a data carrier (i.e., a transceiver, located in a housing of the transceiver assembly, is connected to the control module through an electrical connector mounted in the housing. The controller module establishes a communication link through the transceiver with a smart card by sending and receiving signals through the connector and controlling operation of the transceiver. The controller module can be easily removed from the cradle portion of the transceiver assembly) (see col. 3, lines 57-65). Page also discloses that the smart card is a non-contact or contactless smart card (see fig. 2, col. 5, lines 57-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. As stated in above, a motivation to do so would have been to provide to the device the ability to transmit and receive information from and to a reader and/or writer device without requiring wired contact of the card with the reader/ and/or writer device

Regarding claim 5, Benson discloses a processing device in which the processing device takes the form of a mobile telephone whose first communication means are adapted to receive and to transmit a telephone signal (i.e. antenna and telephone IC) and whose processing means are adapted to process the telephone signal received and to be transmitted (i.e. processing first audio information and apply loud speaker signal to a loudspeaker of the mobile).

Although Benson discloses a device as described above, Benson fails to specifically disclose a device wherein the control information retrieved from the detachably connected data carrier by the second communication means identifies a telephone number of the user of the mobile telephone and/or includes calling credit information.

However, Page discloses a portable smart card communication device with a communication means for the contactless retrieval of control information stored in a data carrier (see col. 3, lines 57-65). Page also discloses that the smart card is a non-contact or contactless smart card (see fig. 2, col. 5, lines 57-60). Furthermore, Page discloses, that it is well known in the art that a smart card device contains at least a memory device for storing information and a transceiver to communicate with a smart card communication device. The smart card communication device communicates through the transceiver on the smart card to access the stored information. The smart card communication device may simply read the information, load the information into the memory device or modify existing data in the memory device. For example, if the owner of a smart card uses a smart card containing financial information to make a purchase, the smart card

communication device can read the information including the owner's identity and the availability of funds however it may apply (see col. 1, line 34-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, for it is known in the art that smart/SIM card contains the telephone number of the user, to combine both teachings to arrive at the claimed invention. A motivation to do so would have been to insure the appropriate regulation of transaction/communication.

Regarding claim 9, Benson discloses a data carrier as described in claim 1 rejection (see claim 1 rejection above).

Although Benson discloses a data carrier embedded in an adhesive label, which adhesive label can be connected detachably to a processing device (i.e. detachably adhere to the back of the housing) (see col. 7, lines 31-40), and memory means for storing control information, which can be processed by the processing device (i.e., Benson discloses a data carrier, and memory means for storing control information, which can be processed by the processing device, is an integral part and functionality of the data carrier, which is in communication with the processing device), Benson fails to specifically disclose data carrier which includes third communication means for the communication with the second communication means of the processing device.

However page discloses a data carrier which includes third communication means for the communication with the second communication means of the processing device (i.e., the antenna on command emits a continuous RF field designed to evoke a response from the smart card that is located in the general proximity of the portable smart card communication device. Once the smart card is in range, it is powered by the transceiver's

RF transmission that is broadcast through the antenna. The smart card transmits a message to the transceiver by modulating the RF field) (see col. 6, lines 11-17).

Therefore, it would have been obvious to one of ordinary skill in the art to combine both teachings to arrive at the claimed invention so that appropriate signals could be sent to the processing device according to a required protocol.

Regarding claim 14, Benson discloses a processing device as described above (see claim 1 rejection).

Although Benson discloses a processing device further including a second data carrier detachably connected to the housing of the processing device (see abstract), because of the dependency of this claim on claim 1, Benson fails to specifically disclose a processing device having second communication means for the contactless retrieval of control information stored in a data carrier which is detachably connection to the housing of the processing device, in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information.

However, Page discloses a processing device having second communication means for the contactless retrieval of control information stored in a data carrier, which is detachably connection to the housing of the processing device, in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information (see col. 3, lines 57-65; col. 5, lines 57-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Benson with the teachings of Page to arrive at the claimed invention. A motivation to do so would have been to provide to the

device the ability to transmit and receive information from and to a reader and/or writer device without requiring wired contact of the card with the reader/ and/or writer device.

Regarding claim 15, Benson discloses a processing device as described above (see claim 1 rejection).

Although Benson discloses a processing device wherein a plurality of data carriers are detachably connected to the processing device (see abstract) (it is worth noting that the addition in the limitation of: at least two of the data carriers are attached one upon the other has not been given any patentable weight for the fact applicant has not disclosed that having the data carriers in such a way would solve any stated problems. Besides the fact such a modification would have been considered a mere design which fails to patentably distinguish over the prior art, this addition may be considered new matter), because of the dependency of this claim on claim 1, Benson fails to specifically disclose a processing device having second communication means for the contactless retrieval of control information stored in a data carrier which is detachably connection to the housing of the processing device, in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information.

However, Page discloses a processing device having second communication means for the contactless retrieval of control information stored in a data carrier, which is detachably connection to the housing of the processing device, in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information (see col. 3, lines 57-65; col. 5, lines 57-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Benson with the teachings of Page to

arrive at the claimed invention. A motivation to do so would have been to provide to the device the ability to transmit and receive information from and to a reader and/or writer device without requiring wired contact of the card with the reader/ and/or writer device.

3. Claim 3 is rejected under 35 U.S.C 103(a) as being unpatentable over Benson and Page in further view of Amtmann et al. (Amtmann) (cited by applicant).

Benson and page teaches the claimed invention as described above (see claim 1 rejection).

Although the combination teaches a processing device and the characteristics mentioned above, the combination fails to specifically teach of a processing device where the second communication means are adapted to generate high frequency signal, which can be utilized by the data carrier to produce supply voltage.

However, Amtmann discloses that it is very well known within the art of mobile communication, to have a processing device where its transmission and receiving characteristics are arranged so they can produce modulated carrier signal (high frequency signal), and such modulated carrier signal generated by the processing device can be used by the smart card (data card) to generate an operating voltage and to communicate with the control information (See figure 1 and 10, and col. 7, lines 5-24).

Therefore, given that it is known within the art of mobile communication to arrange such a device with the smart card (data card) in the manner in which Amtmann describes, then it would have been obvious to one of ordinary skill in the art, at the time the invention was made to improve upon the processing device as taught by Benson by adapting the processing device so that its communication means would produce high

frequency signal which would used by the data carrier to generate power and to communicate with the control information as taught by Amtmann because it would give Benson processing device the advantage that the data carrier would also be arranged to transmit an encoded data signal which is contained in a modulated carrier signal and contains data which has been encoded in conformity with one of at least two different encoding methods (col. 4 lines 10-14)

4. Claim 4 and 6 are rejected under 35 U.S.C 103(a) as being unpatentable over Benson and Page in further view of Haffenden (U.S. Patent No. 6226189).

Regarding claim 4, Benson and Page disclose a processing device as described in claim 1 rejection (see claim 1 rejection above).

Although the combination teaches the claimed invention, the combination does not specifically teach of a processing device, in which the housing of such processing device has recess, in which the data carrier can be connected detachably to the housing,

However, Haffenden discloses that it is very well known within the art of mobile communication to have a data card housing comprising of a recess where the open recess permits a force to be applied to the major face of the card to slide the card in an opposing direction for removal of the card from the housing (see col. 7, lines 13 and 31-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Benson and Page with the teachings of Haffenden to arrive at the claimed invention. A motivation to do so would have been to simplify, in the housing of Benson processing device, insertion and removable of the data card (see col. 2, lines 50-51).

Regarding claim 6, Benson, page, and Haffenden discloses a processing device as described above (see claim 4 rejection).

Although the combination discloses a processing device as described the combination does not specifically disclose a processing device, in which the first communication means are adapted to operate in accordance with the GSM standard and/or UMTS standard.

However, applicant does not disclose specify how this adaptation would have been accomplished, and what stated problem this adaptation would have solved.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination for adaptation to operate in accordance with GSM and/or UMTS standard. Such adaptation would have been considered a mere design consideration, which fails to patentably distinguish over the combination of the prior arts.

5. Claim 7-8 are rejected under 35 U.S.C. 103(a) as being over Benson and Page in further view of Raith (U.S. Patent No. 6510515).

Regarding claim 7, Benson and page teaches a processing device as described above (see claim 1 rejection).

Although the combination teaches a processing device and the characteristics mentioned above, the combination fails to specifically disclose a processing device, in which the processing device is a reproducing device for the reproduction of an encrypted information signal, whose first communication means are adapted to receive the encrypted information signal and whose processing means are adapted to decrypt the

received encrypted information signal, and in which the control information retrieved from the detachably connected data carrier by the second communication means includes key information for decrypting the received encrypted information signal.

However, Raith discloses a processing device (mobile station where the SIM card is operating according to GSM standard) comprising of a receiver for receiving encrypted broadcast information and for receiving a current service key usable to decrypt said encrypted information; an encryption derivation device for deriving the encryption of the current service key according to information received wirelessly by the receiver (see fig. 5-7 and col. 21, lines 23-32).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings as described by Benson, Page, and Raith to arrive at the claimed invention because it would allow only eligible users to be able to receive services, and make it simple and fast to enable or disable service for a particular user.

Regarding claim 8, Benson and page teaches a processing device as described above (see claim 7 rejection).

Although the combination teaches a processing device and the characteristics mentioned above, the combination fails to specifically disclose a processing device in which the first communication means can be connected to a data network in order to retrieve the encrypted information signal.

However, Raith discloses a processing device (mobile station) comprising an output device for outputting said information upon decryption of said encrypted information by said current service key (see fig. 5-7 and col. 21, lines 34-36).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings as described by Benson, Page, and Raith to arrive at the claimed invention because it would allow only eligible users to be able to receive services, and make it simple and fast to enable or disable service for a particular user.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson and Page in further view of Fries, U.S. Patent No. 6367701.

Regarding claim 11, Benson and page teaches a processing device as described above (see claim 1 rejection).

Although, the combination discloses a processing device as described above, the combination fails to specifically disclose a processing device, wherein the data carrier is detachably connected by magnetic means.

However, Fries discloses a data carrier (i.e., contact-less smart card) detachably connected by magnetic means (see col. 7, lines 20-24).

Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Benson, Page, and Fries to arrive at the claimed invention. A motivation to do so would have been to facilitate to attaching and detaching procedure of the card.

Regarding claim 12, Benson and page teaches a processing device as described above (see claim 1 rejection).

Although, the combination discloses a processing device as described above, the combination fails to specifically disclose a processing device, wherein the data carrier is embedded in an adhesive label.

However, Fries discloses a data carrier (i.e., contact-less smart card) embedded in an adhesive label (i.e., adhesive surfaces) (see col. 6, lines 34-39).

Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Benson, Page, and Fries to arrive at the claimed invention. A motivation to do so would have been to facilitate to attaching and detaching procedure of the card.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson and Page in further view of Lee, U.S. Patent No. 6526287.

Benson and page teaches a processing device as described above (see claim 1 rejection).

Although, the combination discloses a processing device as described above, the combination fails to specifically disclose a processing device, wherein the processing device is an MP3 player.

However, lee discloses a processing device (i.e., cellular phone), wherein the processing device (i.e., cellular phone) comprises a built-in MP3 player (see col. 1 lines 22-24).

Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Benson, Page, and lee to arrive at the claimed invention. A

motivation to do so would have been to provide to the user an added function (i.e. listening to music).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pitroda at al., "Point Of Sale And Display Adapter For Electronic Transaction Device," U.S. Patent. No. 6769607.

Chung, "Article Having An Embedded Electronic Device And Method Of Making Same," U.S. Patent No. 6404643.

Wong et al., "Card Reader With Carriage Powered By Movement Of Inserted Card," U.S. Patent No. 5912446.

Response to Arguments

9. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312. The examiner can normally be reached on Monday-Friday from 0800-1630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PRIMARY EXAMINER

Pierre-Louis Desir
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Examiner
12/25/2004